

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CR-00104-F-2

No. 5:15-CV-00379-F

JONATHAN JORDAN,)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

This matter is before the court following Petitioner's failure to comply with the court's September 4, 2015 Order [DE-197] directing him to show cause why this action should not be dismissed for failure to prosecute.

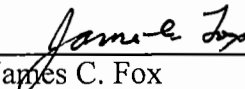
On August 5, 2015, Petitioner filed a Motion to Vacate, Set Aside, or Correct Sentence [DE-195] pursuant to 28 U.S.C. § 2255. Petitioner's filing did not substantially follow the form appended to the Rules Governing § 2255 Proceedings and therefore was not in compliance with Rule 2(c) of the Rules Governing § 2255 Proceedings and Local Civil Rule 81.2 of this court. An order [DE-196] was entered on August 7, 2015, directing Petitioner to return the appropriate form within twenty-one (21) days from the filing of the order. The order advised Petitioner that failure to return the appropriate form may result in the dismissal of this action. Petitioner failed to comply. On September 4, 2015, an order [DE-197] was entered which directed Petitioner to show cause why this action should not be dismissed for failure to prosecute. Petitioner's response was due in twenty-one (21) days. Petitioner was advised that failure to respond would result in the dismissal of his § 2255 action. Petitioner has failed to respond, and the time for doing so has expired.

Because Petitioner has failed to comply with the court's September 4, 2015 Order

directing him to show cause why this action should not be dismissed for failure to prosecute, his § 2255 action will be dismissed without prejudice to renew. The court concludes that Petitioner has not made the requisite showing to support a certificate of appealability. Therefore, a certificate of appealability is DENIED.

SO ORDERED.

This the 30th day of September, 2015.



James C. Fox
Senior United States District Judge